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CENTRAL FAX CENTER****JAN 11 2007****REMARKS**

Claims 1-33 are pending in the application.

Claims 1, 24, 26, 29, and 32 have been amended herewith. Applicant submits no new matter has been added by way of these amendments.

Claims 3 and 4 have been cancelled herewith.

Applicant notes that Claims 20-23 are not rejected under any reference in this Office Action, and yet on the face of the Office Action the Examiner has indicated that these claims stand rejected. Applicant requests clarification.

Applicant notes with appreciation the acceptance of the drawings filed on March 11, 2004.

Claims 1-5, 7, 24, 25, and 33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,885,882 to Forshee. Applicant respectfully traverses the rejection and requests withdrawal of same.

Applicant's invention provides a tile cap made from a formed or molded article which has an adhesive which fits over an existing tile surface.

Forshee teaches a tile cap that fits over an existing surface- specifically where said surface is a wooden deck. Forshee does not teach or suggest a tile cap that fits over an existing tile surface. All elements of Applicant's invention are not disclosed in Forshee. Forshee cannot support a rejection of anticipation. Applicant request withdrawal of the rejection.

Claims 6, 8-19, and 26-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,885,882 to Forshee. Applicant respectfully traverses the rejection and requests withdrawal of same.

Applicant's invention provides a tile cap that fits over an existing tile surface.

Forshee is as discussed above.

The Examiner has stated that Forshee is silent as to the materials the cover is made of, silent as to the surface to be covered, and silent as to the adhesive materials used.

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Response to Office Action Dated October 11, 2006  
U.S. Patent Application Serial No.: 10/797,203

Applicant maintains that Forshee does not teach or suggest Applicant's invention of a Tile Cap. Forshee merely teaches covering an existing flat wooden deck surface with a material. A *prima facie* case of obviousness has not been established. Applicant requests withdrawal of the rejection.

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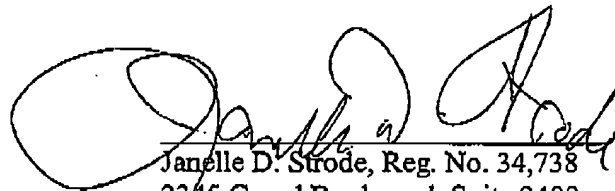
JAN 11 2007

CONCLUSIONS

Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to call Applicant's undersigned attorney in an effort to resolve such issues and advance this application to issue.

Respectfully submitted,

LATHROP & GAGE L.C.



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